

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 12 2008

JOHN F. CORCORAN, CLERK
BY: *J. Lynch*
DEPUTY CLERK

JERRY L. OLIVER,
Plaintiff,

v.

CPTN. MYERS, et. al.,
Defendants.

)
)
)
)
)
)
)

Civil Action No. 7:08-cv-00558

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), plaintiff's motion for leave to proceed in forma pauperis is **DISMISSED** as moot, and the action is stricken from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 12th day of December, 2008.

James C. Turk

Senior United States District Judge